United Nations A/61/885–S/2007/246

General Assembly
Security Council

Distr.: General
30 April 2007

Original: English

General Assembly
Sixty-first session
Agenda item 19
Question of Cyprus

Security Council
Sixty-second year

Letter dated 27 April 2007 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon the instruction of my Government, I am writing the present letter to convey the views of Turkey in the wake of the recent developments about the Cyprus issue.

The Greek Cypriot side, encouraged by its membership in the European Union, is yet again pursuing a policy that generates tension in the eastern Mediterranean. By its attitude and actions, the Greek Cypriot side not only continues to be a source of instability in the area but also further complicates the efforts aimed at bringing a comprehensive settlement to the Cyprus problem.

According to the Treaties of Establishment, Alliance and Guarantee of 1960, Turkey, Greece and Great Britain are the guarantor States in the context of Cyprus, and any military arrangement on the island is subject to their consent. In defiance of the stipulations of the above-mentioned international treaties, the Greek Cypriot side has recently signed an "Agreement in the Field of Defence" with France. This Agreement undoubtedly contravenes the 1960 state of affairs. Turkey and the Turkish Republic of Northern Cyprus have declared the Agreement null and void, given that the Greek Cypriot Administration has no right or legitimacy to claim or to act on behalf of the whole island and, as such, is neither entitled nor authorized to sign agreements of this nature.

Another example of the provocative policy pursued by the Greek Cypriot side regards delimiting maritime jurisdiction areas in the eastern Mediterranean. Bilateral agreements signed by the Greek Cypriot side in this regard prejudge the fundamental rights of the Turkish Cypriot people and run counter to international law. Maritime delimitation in a semi-enclosed sea like the eastern Mediterranean can only be effected by agreement, with the consent of all parties concerned and by respecting their mutual rights. Apart from the rights of the Turkish Republic of Northern Cyprus, Turkey, under international law, has legitimate rights and interests in the eastern Mediterranean and is resolved to defend them. Moreover, as will be recalled, owing to the potential implications involved, the United Nations Comprehensive Settlement Plan of 2004 deliberately left out this subject, with the

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understanding that it would be determined by the "Parliament of the new Partnership State" following the comprehensive settlement.

At the core of the problem stands the unlawful claim of the Greek Cypriot side to be the legitimate successor of the Government of "the Republic of Cyprus" of 1960. Since the adoption of Security Council resolution 186 (1964) which, in paragraph 4, recommended the creation, "with the consent of the Government of Cyprus", of a United Nations peacekeeping force in Cyprus, the Greek Cypriot side has been portraying itself as the sole owner of the title of "Government of Cyprus" and is conducting day-to-day business in international forums as if it represented the island and its peoples as a whole.

In fact, at the time the resolution was adopted, the Turkish Cypriots, the Government of Turkey and the United Kingdom did register their understanding with the United Nations that the "consent of the Government of Cyprus" would mean the consent of a Government that was established and functioning in accordance with the 1960 treaties, and the Greek Cypriot Administration has not been the Government that the 1960 Constitution envisioned.

The views and reservation of the Government of Turkey on this issue were brought to the attention of the members of the Security Council and of then Secretary-General U Thant, both orally and in writing, on many occasions during the period before and after the adoption of resolution 186 (1964). All relevant documents can be found in the United Nations archives.

The resolution did not create a legal right for the perpetuation of "Government of Cyprus" status and cannot be used as a basis for jurisdiction over the entire island, as is the case with the signing of the delineation agreements. In other words, the island of Cyprus is governed neither legally nor in its totality by the Greek Cypriot side.

Turkey therefore holds the view that resolution 186 (1964) should be revisited due to the facts that have emerged on the Cyprus issue following the simultaneous referendums on the United Nations Settlement Plan. The very same facts have also created the necessity for revision of Security Council resolutions 541 (1983) and 550 (1984), which have become tools for suppressing and isolating the Turkish Cypriot people.

In his report of 28 May 2004 to the Security Council, your predecessor, Kofi Annan, addressed the unfair isolations and underlined that efforts towards ending the restrictions did not contradict Security Council resolutions 541 (1983) and 550 (1984). I quote: "this [Turkish Cypriot] vote has undone whatever rationale might have existed for pressuring and isolating them ... I would hope they [members of the Security Council] can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move as consistent with Security Council resolutions 541 (1983) and 550 (1984)". It is still not late for the Security Council to take action on the report, which will bring about a new perspective.

Recent developments have shown once again the urgency of a comprehensive settlement of the Cyprus issue. However, prospect for a solution seems bleak owing to the ongoing unwillingness of the Greek Cypriot side. The process, which was initiated on 8 July 2006 to prepare the ground for a comprehensive settlement,

seems to be deadlocked owing to Greek Cypriot delaying tactics. The Turkish side has supported the 8 July process from the outset, with the expectation that it would lead to meaningful and fully fledged negotiations for a comprehensive settlement. Apparently, pursuant to the referendums and their accession to the European Union, the Greek Cypriots have attempted to shift the basis of the Cyprus question from the United Nations to the European Union. In line with this new attitude, they distance themselves from any process initiated by the United Nations.

In his letter to you dated 3 April 2007, Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus, explained very clearly why the Greek Cypriot side should not be allowed to exploit this process. President Talat warned that without a specific timetable and predetermined topics, the whole process would turn into "talking shops" that could be used by the Greek Cypriot side to achieve its declared policy of "osmosis". Finally, he expressed his readiness to engage without delay in fully fledged negotiations under the United Nations framework. Turkey shares President Talat's concerns and fully supports him in his endeavours.

Turkey keeps its determination to contribute to the efforts to find a comprehensive settlement to the Cyprus problem under your mission of good offices as well as under the long-established United Nations framework and parameters, namely for, political equality, bizonality, equal status and a new Partnership State.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative